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Attorney for Plaintiffs
 MARC J. RANDAZZA, JENNIFER RANDAZZA, and NATALIA RANDAZZA

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARC J. RANDAZZA, an individual,)	Case No. 2:12-cv-02040
JENNIFER RANDAZZA, an individual, and)	
NATALIA RANDAZZA, a minor,)	MOTION TO REVOKE DEFENDANT
)	CRYSTAL COX'S CM/ECF
Plaintiffs,)	PRIVILEGES
)	
vs.)	
)	
CRYSTAL COX, an individual, and ELIOT)	
BERNSTEIN, an individual,)	
)	
Defendants.)	

Plaintiffs Marc J. Randazza, Jennifer Randazza, and Natalia Randazza, through counsel,
 hereby submit this Motion to Revoke Defendant Crystal Cox's CM/ECF Privileges.

Memorandum of Points and Authorities

Since being granted CM/ECF privileges by this Court on December 12, 2012, Defendant Cox has made numerous unnecessary filings, driving up the number of docket entries in this two-month-old case to nearly seventy, with hundreds of pages of irrelevant and nonsensical allegations, and copious irrelevant exhibits accompanying most of the motions, briefings, and notices she submits. The number of filings Cox continues to electronically file has become not only burdensome to Plaintiffs, but also to the Court, which has hundreds of extraneous and immaterial documents to sift through prior to making a decision on any motion. Cox's incessant electronic

1 filing only serves the purpose to delay litigation and to prevent Plaintiffs from receiving their
 2 requested relief. As such, Plaintiffs respectfully request this Court revoke Defendant Cox's
 3 electronic filing privileges in order to encourage Defendant to exercise judiciousness in the
 4 documents she chooses to file with this Court.

5 According to the United States District Court for the District of Nevada's Electronic Filing
 6 Procedures, non-attorneys may not file electronically without permission from the Court.
 7 "Electronic Filing Procedures" at I(C). The ability to file electronically is a privilege granted by
 8 this Court and was granted to Defendant Cox only after she satisfied the procedure to activate her
 9 CM/ECF account. (ECF 11). When litigants, both represented and self-represented, abuse this
 10 privilege, courts revoke the privilege in favor of protecting the integrity of the litigation process.
 11 See Exhibit A, *Schultz v. Krause*, No. 11-1796 MCE, Dkt. 23, slip op. at 3-4 (E.D. Cal. Nov. 3,
 12 2011) (revoking pro se plaintiff's electronic filing privileges due to his "voluminous unauthorized
 13 filings")¹; see also *Kaufman v. I.R.S.*, 787 F.Supp.2d 27, 36 (D.D.C. 2011) (revoking pro se
 14 plaintiffs' electronically filing privileges after they "flooded [the] docket with numerous improper
 15 and unintelligible filings"); see also Exhibit B, *Collum v. Paypal*, No. 12-017, Dkt. 33 (D. Neb.
 16 November, 20, 2012).

17 In *Kaufman*, the court reasoned that the plaintiffs' conduct in the case impeded "the
 18 administration of justice" through abusive electronic filings. 787 F.Supp.2d at 36. In supporting its
 19 decision to revoke the plaintiffs' electronic privileges, the court quoted a United States Court of
 20 Appeals for the D.C. Circuit decision that allows courts to employ "injunctive remedies to protect
 21 the integrity of courts and the orderly and expeditious administration of justice." *Id.*, quoting *Urban*
 22 *v. United Nations*, 768 F.2d 1497, 1500 (D.C. Cir. 1985). The court ordered that the plaintiffs'
 23 electronic filing privileges be revoked to allow the clerk to "inspect any further submissions prior
 24 to entering them into the docket." *Id.* at 37.

25
 26 ¹ The Court may take judicial notice of Exhibits A and B under Fed. R. of Evid. 201(b)(2) and Fed.
 27 R. Civ. P. 44, as Plaintiffs have provided the Court with file-stamped copies of the orders
 28 referenced from both cases. See also *Chandler v. U.S.*, 378 F.2d 906, 908 (9th Cir. 1967), stating
 that a federal court may take judicial notice of its own records.

1 Similar to the pro se litigants whose electronic filing privileges have been revoked,
 2 Defendant Cox also has abused her privileges by filing numerous frivolous motions, “notices,” and
 3 other impertinent documents, that have nothing to do with the issues in the Complaint or her
 4 defenses thereto and which impede the administration of justice in this Court.

5 Cox’s intent is evidenced by her extra-judicial statements that reveal her motivation: Cox
 6 takes the position that her defamatory statements become immune from liability as long as they
 7 have an ECF stamp on them. *See* Exhibit C. However, even the litigation privilege is not absolute.
 8 *Clark County Sch. Dist. v. Virtual Educ. Software Inc.*, 125 Nev. 374, 383, 213 P.3d 496, 503 (Nev.
 9 2009) (applying litigation privilege only where a 1) judicial proceeding is contemplated in good
 10 faith and under serious consideration, and 2) the communication is related to the litigation); *Fink v.*
 11 *Oshins*, 118 Nev. 428, 433, 49 P.3d 640, 644 (Nev. 2002) (requiring protected statements to be
 12 pertinent to the controversy, and made either during litigation or in anticipation of litigation
 13 “contemplated in good faith and under serious consideration”). The only results Cox’s filings serve
 14 are to clog the Court with immaterial notices and motions that unnecessarily divert Plaintiffs’ and
 15 this Court’s time and resources and obscure the issues of fact and law in this case. The exercise of
 16 printing out and submitting Cox’s filings through the use of the traditional U.S. postal service will
 17 make Ms. Cox more judicious in the motions and exhibits she chooses to file and will allow this
 18 Court to continue to move the case forward and rule on the merits of the pending motions currently
 19 before it.

20 Accordingly, Plaintiffs respectfully request this Court revoke Defendant Cox’s electronic
 21 filing privileges and issue other appropriate sanctions.

22
 23 Dated: February 4, 2013

Respectfully submitted,

24 /s/Ronald D. Green

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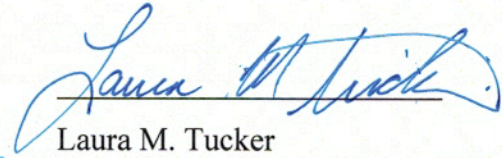
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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure 5(b), I hereby certify that the foregoing document was filed using this Court's CM/ECF system on February 4, 2013.

Dated: February 4, 2013

Respectfully Submitted,



Laura M. Tucker

Law Clerk

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